

August 1, 2013

1040

The Honorable Charles T. Hagel
Secretary of Defense
1400 Defense Pentagon
Washington, D.C. 20301-1400

The Honorable Penny Pritzker
Secretary of Commerce
1401 Constitution Avenue, NW
Washington, D.C. 20230

The Honorable Mignon Clyburn
Acting Chairwoman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Secretary Hagel, Secretary Pritzker, and Acting Chairwoman Clyburn:

We, the undersigned, are members of the Committees on Commerce, Science, and Transportation and Armed Services of the United States Senate. We write to you with the twin goals of strengthening both the economy and our national security. Our respective Committees have held classified briefings and hearings regarding the need for additional Federal agency radio spectrum to be made available for commercial purposes. Our respective Committee records make clear that commercial mobile service providers are facing a spectrum crunch of significant proportions that affects all wireless carriers.

Making more spectrum available for commercial use will grow the country's vibrant mobile wireless industry, spur job creation, and further foster the innovation that has revolutionized the way consumers communicate. This critical need was one of the motivating factors behind our passage of the bipartisan public safety spectrum provisions of the Middle Class Tax Relief Act and Job Creation of 2012. That legislation, signed into law by the President on February 22, 2012, authorized the Federal Communications Commission (FCC) to conduct voluntary incentive auctions and other spectrum auctions to make more spectrum available for mobile broadband use, and most importantly, created and provided funding for the First Responder Network Authority (or FirstNet), a landmark nationwide, interoperable wireless broadband network for first responders.

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As part of FirstNet's funding, Congress specifically directed the FCC to auction and license the 2155-2180 MHz band (AWS-3) to commercial users by February 2015. We write today to urge you to take advantage of an opportunity to increase the value of this spectrum band at auction while also harmonizing United States spectrum policy internationally. Specifically, industry and federal agency experts predict that transitioning the 1755-1780 MHz band, currently being used by the Department of Defense (DoD) and other federal agencies, to commercial use and pairing it with the AWS-3 band at auction, would yield substantially greater auction revenues than if those bands were auctioned separately. It also would bring our national spectrum policy in line with 17 of the G-20 countries who already have allocated these two paired bands for commercial use. Pairing these bands is good for our spectrum policy and for first responders.

In order to meet the statutory licensing date, the FCC has indicated that it needs to auction the AWS-3 band by September 2014. However, if the 1755-1780 MHz band is to be auctioned with the AWS-3 band, DoD's final relocation plan must be submitted by January 2014 to the National Telecommunications and Information Administration at the Department of Commerce and the Technical Panel established by the Public Safety Spectrum Act. Accordingly, time is of the essence, and a sense of urgency is required if we are to capitalize on this opportunity to maximize revenue.

We applaud the wireless industry's proposal, or "road map," on freeing spectrum in the 1755-1850 MHz band. We also are encouraged by DoD's own July 17 proposed relocation and sharing plan for 1755-1780 MHz. These proposals represent good-faith efforts by industry and DoD spectrum experts to resolve remaining issues with transitioning the 1755-1780 MHz band for commercial use, while recognizing the need to maintain essential national and homeland security spectrum operations. It is imperative that your agencies work cooperatively to resolve all remaining issues and transition the 1755-1780 MHz band to commercial use.

Now that these concrete plans are on the table, tough decisions must be made – and made quickly. DoD must provide necessary clarifications and explanations regarding its proposal, including technical specifics about how its relocation proposal would work, as soon as possible. The Department of Commerce will have to act with alacrity to analyze these proposals and make recommendations to the FCC on the path forward. The FCC must also work with the Department of Commerce and DoD to expeditiously resolve outstanding issues and complete its rulemaking.

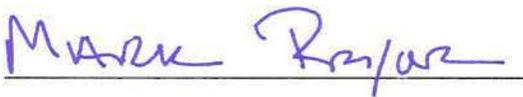
Essential to transitioning DoD operations out of the 1755-1780 MHz band is finding suitable relocation spectrum for their displaced operations. Under existing law, DoD, the Department of Commerce, and the Chairman of the Joint Chiefs of Staff must certify that "such alternative band or bands provides comparable technical characteristics to restore essential military capability that will be lost as a result of the band of frequencies to be so surrendered." As a result, DoD's recommended relocation spectrum must be given serious consideration as part of the transition process. At the same time, the FCC and the Department of Commerce must carefully consider and balance the existing and future uses of any spectrum targeted for DoD relocation.

To ensure that 1755-1780 MHz can be auctioned with 2155-2180 MHz by the statutory February 2015 deadline, we urge each of you to take all necessary steps as soon as possible to ensure that the transition plan for Federal operations in 1755-1780 MHz is finalized. We further request regular updates, in writing, from you jointly on the status of these efforts. We also request that you provide your first written response detailing your efforts to resolve these outstanding issues no later than September 1, 2013. Your progress reports will greatly assist our continued consideration of these issues, which may include legislation if necessary.

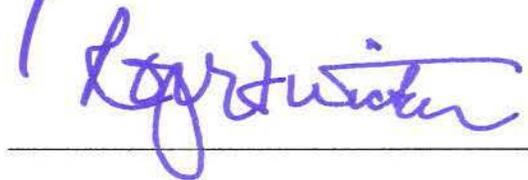
We appreciate your prompt, personal attention to this matter.

Sincerely,









Amy Klobuchar

Roy Johnson

Edward J. Markey

Mark R. Warner

Brian Schatz

Maria Cantwell

Chris McCasill

Barbara Boxer

Paul Begala

Bill Nelson

Richard Blumenthal

Tom Harkin

Roy Blunt

Dan Coats

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Kelly A. Ayette

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Rob Fischer

Jeanne Shaker

Mr. R

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